

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KOCH ENTERTAINMENT LP AND :  
HUDSON ENTERTAINMENT, INC.

Plaintiffs,

07 CV 2843

Hon Louis L. Stanton (LLS)(GG)  
ECF Case

MOBILE STREAMS, INC.,  
MOBILE STREAMS, PLC., AND  
THE NICKELS GROUP, INC.

Defendants.

STC 100 07

This Scheduling Order is submitted pursuant to the Court's April 13, 2007, Order for Conference Pursuant to Rule 16(b).

1. On Friday, September 28, 2007 at 11:30 a.m. in Room 21C, a Scheduling Conference was held before this Court. Daniel J. Aaron, of Daniel J. Aaron, P.C., 437 Madison Avenue, 4<sup>th</sup> Floor, New York, New York 10022 appeared for the plaintiffs Koch Entertainment LP and Hudson Entertainment, Inc. Michael Shortnacy, of Loeb & Loeb LLP, 345 Park Avenue, New York, New York 10154 appeared for the defendants Mobile Streams, Inc., Mobile Streams, PLC, and The Nickels Group, Inc.

2. This is an action for copyright infringement. Koch Entertainment LP asserts that it is the exclusive licensee of the right to distribute the music catalogue of Death Row Records in the digital form of ringtones and ringbacks. Hudson Entertainment, Inc. is Koch's sublicensee. Koch and Hudson assert that the defendants have distributed the music catalogue of Death Row Records in the digital form of ringtones and ringbacks in violation of plaintiffs' rights and have sued the defendants for copyright infringement.

Defendants Mobile Streams Plc, Mobile Streams Inc., and The Nickels Group, Inc. (collectively, "Mobile Streams") which had, until August of this year, non-exclusive rights to license the digital download rights directly from the Death Row Records music catalogue, deny plaintiffs' allegation that Mobile Streams has distributed digital download content in violation of the copy right laws. Pursuant to its agreements with Death Row Records, Mobile Streams licensed the distribution of digital content to various mobile telephone carriers and mobile digital content providers. By asserting that they hold the exclusive right to distribute the Death Row Records catalogue , Mobile Streams alleges that plaintiffs have tortiously interfered with Mobile Streams' license agreements and are liable to Mobile Streams for damages resulting from this interference.

3. (a) The defendants will answer the Amended Complaint by October 19, 2007.
- (b) Each party will serve document requests upon the other by October 26, 2007.

Responses to the requests will be provided and documents will be produced by November 30, 2007.

- (c) The parties will notice depositions of each other by December 15, 2007.
- (d) Rule 26 expert disclosures will be made on or before January 15, 2008.
- (e) Expert's reports, if any, will be supplied to the adversary on or before January 29, 2008. Expert's rebuttal reports, if any will be supplied to the adversary on or before March 28, 2008. Any expert depositions will be completed on or before April 18, 2008.
- (f) The interim deadlines set forth in 3(a) through (e) amay be extended by the parties on consent without application to the Court, provided that the discovery cut-off date set forth in 3(g) is not affected.
- (g) Discovery is to be completed on or before April 18, 2008.

(h) Plaintiff will supply its pre-trial order materials to defendant on or before June 9 <sup>LS</sup>  
~~May 19~~ 2008.

(i) The parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs, proposed voir dire questions, proposed jury <sup>verdict</sup> <sup>LS</sup> instructions, and verdict forms on or before June 24 2008. <sup>LS</sup>

(j) The final pretrial conference pursuant to Federal Rule of Civil Procedure 16(d) will be conducted on June 27, 2008 at 11:30 a.m. <sup>LS</sup>

4. Plaintiffs do not presently contemplate any limitations to be placed on discovery.

5. Defendants expect to call a testifying expert. Plaintiffs reserve their right to call a testifying expert.

6. The Plaintiffs estimate that the trial will take approximately 4 days, the Defendants estimate 5 days. Both sides demand a jury.

7. Trial will commence <sup>LS</sup>.

8. This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

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SO ORDERED

Louis L. Stanton  
Hon. Louis L. Stanton U.S.D.J.

Sept 28, 2007